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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,217	08/01/2003	Stephen P. Kendall	2783308-6	6329

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EXAMINER

PHAM, MINH CHAU THI

ART UNIT PAPER NUMBER

1724

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,217

Applicant(s)

KENDALL, STEPHEN P.

Examiner

Minh-Chau T. Pham

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1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/11/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bitner et al (6,214,077 B1), in view of Hawkins (5,599,364).

Bitner et al disclose a cartridge locking device for holding a filter in a filter plenum comprising an actuating member extending through an opening defined by a wall of a plenum for a filter an movable from a first position to a second position (see Fig. 2), a lever member (22) connected to the actuating member inwardly of the plenum and having a distal end for bearing against a filter (18) disposed within the plenum whereby the actuating member moving between the first and second positions relative to the filter, a resilient member (44) disposed between the plenum and a first end of the lever member to bias the first end of the lever member away from the wall of the plenum, a locking member (54) received on the actuating member outwardly of the plenum for securing the actuating member in the first position and locking member movable from an unlocked position to a locked position, and a fastener (82) that connects the lever member and the actuating member. Bitner et al further disclose the actuating member is threaded and the locking member is threaded (see Fig. 2). Claims 1-62 differ from the disclosure of Bitner et al in that the lever arm can move between a biased and unbiased positions relative to the pivot upon moving the actuating member between its

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first and second positions. Hawkins discloses a filter locking/support system for dust collectors wherein the lever arm (33) can move the resilient member or spring (40) between a biased and unbiased positions relative to the pivot upon moving the actuating member between its first and second positions (Fig. 3; col. 5, lines 6-11 and lines 26-35). Hawkins also discloses a method of operating a cartridge locking device to hold a filter in a filter plenum and release the filter during replacement operations comprising the steps of moving an actuating member from a first position to a second position, moving the lever member between first and second positions whereby the actuating member moving between the first and second positions relative to the filter. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a lever arm moving between a biased and unbiased positions as taught by Hawkins in the filter apparatus of Bitner et al to provide an improved locking/support mechanism for use in dust collectors that is capable of releasably supporting a plurality of filter elements in tightly sealed engagement of the dust collector.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bitner (6,444,005 B1) discloses a filter engagement device.
- Jacob (5, 776,211) discloses a jacktop cleaner.
- Shuler (4,217,122) discloses a filter retaining latch.
- Williams (5,062,872) discloses a horizontal filter elements in dust collector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham
Patent Examiner
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August 10, 2004